



Customer No. 23,446
Docket No. 11037US04 / 200-83.P1.C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Arnold Horwitz
Stephen F. Carroll
David Burke

Serial No.: 10/629,516

Filed: July 29, 2003

For: BACTERICIDAL/
PERMABILITY-INCREASING
PROTEIN (BPI) DELETION
ANALOGS

Examiner: Rita Mitra

Group Art Unit: 1653

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TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03/20/2006 AKELECH1 00000005 130017 10629516

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Dear Sir:

XOMA Corporation is the assignee of the entire right, title, and interest in the above-identified patent application, and in U.S. Patent No. 6,013,631, U.S. Patent No. 6,087,126, and U.S. Patent No. 6,599,880, as evidenced by the assignment attached hereto. The assignment to XOMA Corporation has been recorded with respect to U.S. Patent No. 6,013,631 at Reel 009680, Frame 0304.

Assignee hereby disclaims the terminal portion of the term of any patent granted on the above-identified application extending beyond the expiration date of U.S. Patent No. 6,013,631, U.S. Patent No. 6,087,126, and U.S. Patent No. 6,599,880, and hereby

agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,013,631, U.S. Patent No. 6,087,126, and U.S. Patent No. 6,599,880 is commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Assignee does not disclaim any terminal portion of the term of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,013,631, U.S. Patent No. 6,087,126, and U.S. Patent No. 6,599,880 in the event that any of those patents later expires for failure to pay a maintenance fee, is held unenforceable, if found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The documents establishing the assignee's chain of title have been reviewed by the undersigned and the undersigned certifies that to the best of his/her knowledge and belief, title is in the assignee. The undersigned is authorized to sign this document on behalf of the assignee.

Respectfully submitted,



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Date: March 16, 2006

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